IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 90 of 2001

with

CIVIL APPLICATION No 2527 of 2001

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SULEMAN USMAN RADIAWALA ALIAS MIYANOOR

Versus

MEMON MAJID SULEMAN TARMAMAD

Appearance:

1. Appeal from Order No. 90 of 2001

MR AR THACKER for Appellant No.

MR BIPIN I MEHTA for Respondent No. 1

RULE UNSERVED for Respondent No. 2

MR ASHISH M DAGLI for Respondent No. 3-4

RULE SERVED for Respondent No. 5

GOVERNMENT PLEADER for Respondent No. 6

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 27/01/2005

ORAL JUDGEMENT

1. The appellant has preferred this appeal from order being aggrieved by the order dated 22/12/2000 passed below exh.5 by the learned Civil Judge (S.D.), Gondal in Special Civil Suit No.80 of 1997, whereby the trial Court has rejected the said application.

2. While admitting the appeal this Court in Civil Application No.2527 of 2001 had granted status quo which has continued till this date. Under the circumstances, I am of the opinion that interest of justice would be met if the trial Court is directed to dispose of the suit while continuing the interim relief granted by this Court.

3. Accordingly, the trial Court is directed to hear and dispose of the suit within a period of one year from the date of receipt of writ of this Court. It is further directed that the status quo granted in these proceedings will continue till the final disposal of the suit.

4. With the above direction, the appeal is disposed of. No order as to costs.

5. Since the main appeal is disposed of, Civil Application No.2527 of 2001 would not survive and is accordingly disposed of.

6. Writ to be sent to the trial Court forthwith.

(K. S. Jhaveri, J.)

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